

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

RICKEY E. FERDINAND,

Appellant

v.

STATE OF MISSOURI.

Respondent

DOCKET NUMBER WD77943

DATE: FEBRUARY 2, 2016

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Susan Margene Burnett, Judge

Appellate Judges:

Division One
Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Attorneys:

Daniel Neal McPherson, Jefferson City, MO,

Counsel for Respondent

Attorneys:

Laura Grether Martin, Kansas City, MO

Counsel for *Appellant*

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

RICKEY E. FERDINAND,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

WD77943

Jackson County

Before Division One Judges: Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Rickey Ferdinand appeals the motion court's decision to deny his Rule 29.15 motion following his conviction for forcible rape. Ferdinand contends that: (1) the trial court lacked jurisdiction to enter judgment against him because the statute of limitations had run on the forcible rape charge; (2) his trial counsel was ineffective for advising him to waive the statute of limitations issue; (3) the State committed prosecutorial misconduct by knowingly prosecuting him in violation of the statute of limitations; and (4) his appellate counsel was ineffective for failing to raise a statute of limitations violation on direct appeal.

AFFIRMED

Division One holds:

The motion court did not err in denying Ferdinand's Rule 29.15 motion because the State's charges against Ferdinand were brought in a timely manner. Before the expiration of the original limitations period, several subsequent amendments were made to the statute governing the limitations period for the forcible rape charge. Thus, the limitations period for bringing the forcible rape charge against Ferdinand was extended before he ever acquired a vested right in any previous limitations period.

Opinion by Anthony Rex Gabbert, Judge

Date: 2/2/16

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